

CRMC DECISION WORKSHEET

2021-04-007

Edward F. Lundgren

Hearing Date:			
Approved as Recommended			
Approved w/additional Stipulations			
Approved but Modified			
Denied		Vote	

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2021-04-007	Barrington	Puritan Avenue		A	<input type="checkbox"/>	X
		Plat	32			
		Owner Name and Address				
Date Accepted	5/7/21	Edward F. Lundgren		Work at or Below MHW		<input type="checkbox"/>
Date Completed	8/16/22	33 Meadow Brook Drive Barrington, RI 02806		Lease Required		<input type="checkbox"/>

PROJECT DESCRIPTION

To c/m a new 1496sf single family residence with attached garage, serviced by public utilities and to install stormwater BMPs and establish vegetated buffer zone

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal wetland

Water Type: Type 2, Low Intensity Use, Barrington River

Red Book: 1.1.6, 1.1.7, 1.1.9, 1.1.10, 1.1.11, 1.1.13, 1.2.1(B), 1.2.2(C), 1.2.3, 1.3.1(B), 1.3.1(C), 1.3.1(F), 1.3.5

SAMP: N/A

Variances and/or Special Exception Details: A 33% buffer zone variance and a 32% setback variance are required

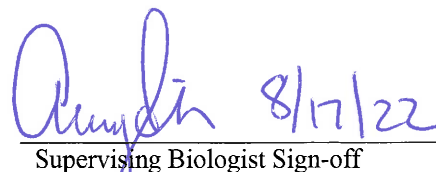
Additional Comments and/or Council Requirements: Defer for consideration of comments received

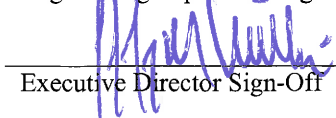
Specific Staff Stipulations (beyond Standard stipulations): N/A

STAFF RECOMMENDATION(S)

Engineer	_____	Recommendation:	_____
Biologist	TAS	Recommendation:	No Objections; Defer for Comments
Other Staff	_____	Recommendation:	_____

 8/17/22
Engineering Supervisor Sign-Off date

 8/17/22
Supervising Biologist Sign-off date

 8/16/22
Executive Director Sign-Off date

Staff Sign off on Hearing Packet (Eng/Bio) date

Name: Edward F. Lundgren
CRMC File No.: 2021-04-007
Staff Report



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: 16 August 2022
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, Sr. Environmental Scientist

Applicant's Name:	Edward F. Lundgren
CRMC File Number:	2021-04-007
Project:	To c/m a new 1496sf single family residence with attached garage, serviced by public utilities and to install stormwater BMPs and establish vegetated buffer zone
Location:	Puritan Avenue; Barrington: Plat(s): 32; Lot(s): 491
Water Type/Name:	Barrington River, Type II, Low Intensity Use2Barrington River
Coastal Feature:	Coastal (including contiguous freshwater) wetland
Plans Reviewed:	<i>"Lundgren, AP 32, Lot 491 Assent, Puritan Avenue, Barrington, March 1, 2021, Revised August 2022.."</i> received 8/16/22 by L. Robert Smith, RPE and Richard S. Lipsitz, PLS (4 sheets)

STAFF RECOMMENDATION: No objection, defer for consideration of objector's comments

A) SITE/APPLICATION HISTORY:

1—The site is the southern-most lot of several previously owned by Carver Realty located on the eastern shore of the Barrington River. It is bordered by undeveloped lot to the east, Puritan Ave to the west and coastal feature (salt marsh backed by contiguous freshwater wetland) to the south (Figure 1).

2—Previous CRMC Application #2013-01-054 was filed by Carver Realty to clear vegetation landward of applicable buffer zones on Lots 491 and 493. The file was canceled 3/29/13 without a permit issued for lack of response to staff request for additional information. Specifically, it was noted the combined lot size for lots in common ownership required a 125' buffer zone on the lot.

3—Subsequent CRMC Application #2016-05-048 was filed by Carver Realty for similar, however, the lots had been reconfigured and no longer remained in common ownership. Lots 491 & 494 were separate from lot 493 (which 494 had been part of). Accordingly, a smaller 100' buffer zone applied to the work. A permit

for buffer zone management with installation of permanent markers prior to work was issued on 6/20/16, based on the wetland edge verified under the 2013 application.

4—CRMC Cease & Desist Order #20-0207 was issued 9/24/20 by Enforcement staff for clearing of vegetation and failure to install buffer markers per prior Assent. In October 2020 the current owner indicated the lot was purchased with the violation and was advised that restoration would be required. In February 2021 a restoration plan was submitted to Enforcement. Staff conducted compliance and permit review site visits and also spoke and met with concerned neighbors (see below) within the same timeframe.

5—On 3/31/2021 the current application was filed for Lot 491 only and an Information Request (IR) was issued 4/21/21 advising that proposed reduction of required buffer zone was premature as there was no construction on the lot. Staff also noted that the requested variance did not appear to be a minimization. Note, Lot 494 is no longer part of the project.

6—After clarifying the project, the application was accepted on 5/7/21 for a new residence, garage and driveway, still requesting buffer zone and setback variances.

7—Staff spoke with the applicant and consultant S. Rabideau in May 2021, advising the current project did not appear to be a minimization and requested reduction/revisions of the design. Revisions were received in June 2021 and staff spoke with Town Zoning officials regarding the project. After review with the Executive Director, it was determined the project was still not a minimization.

8—On 8/6/2021 as second IR was issued, again advising options for reducing the requested variances, as well as an updated coastal feature (2013 was the last edge). Staff further spoke with the applicant in early September, again requesting local zoning variance and comparable buffer area, as well as reduction in Structural Lot Coverage (SLC). Staff advised the same regarding the applicant's draft email revisions of 10/4/21.

9—On 5/19/2022, revised information (including updated building official signoff and wetland edge) was received from the design consultant, Waterman Engineering, and staff conducted another site visit on 5/14/22, confirming the lot had remain unaltered in the interim. The application is before the Council for consideration of objector's comments (see below).

B) PROGRAMMATIC REQUIREMENTS/CONCERNS:

1—The current lot size of 37,432sf requires a buffer zone of 75', based on Redbook 650-RICR-20-00-01 Section 1.1.11, Type 2 waters. The project also requires a 100' construction setback based on Section 1.1.9. The applicant's original buffer proposal was for 50' (proposed SLC ~1820sf) and the proposed 26' x 42' dwelling with attached 26' x 28' garage was setback only 60.5' (10.5' from the proposed buffer including cantilevered 2nd story). No local variance relief was obtained from the front yard setback. This proposal represented a 33% buffer variance and 40% setback variance.

2—The current revised plans also propose a minimum 50' buffer zone from the nearest wetland edge, however, in the western and eastern portions of the site, the full required 75' buffer zone is met. The proposed dwelling has been reduced to 24' x 32', with attached garage unchanged, though configured further

landward for a proposed SLC of 1496sf (324sf less). The project has been shifted landward following a second round of zoning relief. There remains a sewer easement to the east which cannot be encroached upon. The applicant has also provided a comparison of required v. proposed total buffer area, with the revised project providing 16,395sf of the 18267sf required buffer zone (90%).

3—A larger construction setback (75') from the dwelling has been provided as well, including 18' from the buffer zone. As revised, a 33% buffer variance and 25% total construction setback (28% variance from the buffer-derived setback) is proposed. Although minor grading is still proposed within 5' of the buffer zone, this is considered a one-time temporary disturbance.

4—Stormwater management is proposed for the entire roofed area via rain garden, consistent with the RI Stormwater Manual and Section 1.3.1(F) requirements. Crushed stone driveway is also proposed, requiring no further treatment.

5—A Coastal Hazard Analysis (CHA) worksheet was submitted, indicating the project meets the 3' Sea Level Rise (SLR) projection for the site, however portions of the buffer zone and possibly setback area may be impacted by 5' SLR (the chosen 50' year design life). The recommended 3' Stormtools Design Elevation (SDE) is 18', the project proposes a First Floor Elevation (FFE) of 19.4', meeting this recommendation. However, the chosen design life does not meet the 5' SDE of 20.6'. Coastal Environmental Resource Index (CERI) modeling indicates the site already subject to High structural damage potential on portions of the site at 0' (current) to 3' SLR. By the chosen design life of 5', CERI notes Severe damage could result in future storm flooding events, depending on the applicant's final elevations. The future erosional setback is met.

6—RI Historic Preservation and Heritage Commission (HPHC) provided a letter of no objection and the Town building official signoff has been updated following the more recent zoning hearing. Although the project did not require public notice, there were objections received during this review.

C) PUBLIC COMMENT:

1—The Enforcement action on this parcel originally stemmed from a complaint regarding excessive earthwork (including additional fill placement) and vegetative clearing. Letters and emails were received from nearby landowners concerned with these actions. Field investigation by staff and consultation with local officials (including zoning decision review) have not altered staff's opinion of the project. Any fill which may have been placed on the site without permit (field investigation was inconclusive and submitted PLS plans and applicant's statements allege none occurred) does not alter the staff's programmatic review of the proposed project.

2—Staff concurs with the updated wetland delineation and no area of coastal feature appears to have been altered. The site received an approved restoration plan (4/6/2021) by Enforcement staff and the plantings were undertaken and deemed successful. Additional disturbance to the buffer zone for further restoration/fill removal did not seem warranted. Staff found the applicant's response to comment reasonable.

D) VARIANCE REQUEST:

1—The applicant submitted a revised written variance request for the reduced buffer and setback. It is staff's opinion that the applicant's project is consistent with nearby residential development and will not result in significant adverse environmental impacts or use conflicts. The full required 75' buffer zone and 100' construction setback cannot be met on the site due to the local zoning requirements and existing sewer easement, which existed when the applicant purchased the property.

2—It is also staff's opinion that the applicant has worked to reduce the required variances, allowing for additional buffer zone on the lot and relocation of all work further landward. Minimization of the request has also occurred with the reduction in proposed SLC on the property, while still allowing a reasonable alteration of the site.

E) STAFF RECOMMENDATION:

The current applicant has worked to restore the site while also proposing residential development. It is staff's opinion that the variance request has been minimized consistent with staff comments, including additional local zoning relief. Staff withholds standard stipulations (including additional buffer zone markers) pending Council's Decision and defers to the Council for consideration of the comments received. Approval of an Assent will resolve Enforcement action for the site; Alternatively, additional restoration within the 75' buffer zone area could be required by Enforcement if an Assent is not approved.

SIGNED: T. Silvia



STAFF BIOLOGIST

Figure 1

Lundgren #2021-04-007



Google Earth

Image Landsat / Copernicus